

REMARKS

Claims 1-26 are pending in the current application. The Examiner has indicated allowable subject matter in claims 8-14, 17-19, 23, 23, and 27, and the Applicants thank the Examiner for so noting. Claims 1-7, 15, 16, 19-22, 25 and 26 are currently rejected, and claims 1 and 20 are currently amended. Applicants traverse the rejections on the following grounds.

Rejections under 35 U.S.C. § 102(e) (Lu)

Claims 1-3, 15, 16, and 20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. 6,519,416 to Lu et al. (“Lu”). The Examiner states that Lu discloses the elements of independent claims 1, 15, and 20 including adapting QoS characteristics in response to a load condition. Lu, however, does not disclose or suggest adapting QoS characteristics; rather, Lu depends on **a static QoS requirement that must be met** by the initial distribution of system resources, after which excess resources are distributed. See Lu Col 2, ll. 1-4, 17-18, 32-36; Col 3, ll. 14-15; and Col. 7, ll. 34-38. Claims 1, 15, and 20 recite an “**adapting** at least one target Quality of Service (QoS) characteristic **in response to a load condition.**” Claims 1 and 20 have been amended to more clearly recite this feature. Thus the current claims alter the QoS, whereas Lu does not and cannot. Because Lu does not teach or suggest all the features of claims 1, 15, and 20, Lu cannot anticipate or render obvious these claims. Dependent claims 2, 3, and 16, which depend from an allowable base claim 1 or 15, are allowable for at least the amendments and reasons discussed above with regard to claims 1, 15, and 20. Applicants respectfully request withdrawal of this rejection.

With regard to the independent claim 26, Applicants have amended the claim to incorporate the allowable subject matter of cancelled claim 27. Applicants respectfully request withdrawal of this rejection.

Rejections under 35 U.S.C. § 103(a) (Lu in view of Joshi/Achour/Mudigonda)

Claims 4-7, 21, 22, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu in view of U.S. Pat Pub. 2004/0143842 to Joshi (“Joshi”), U.S. Pat. Pub. 2003/0060208 to Achour et al. (“Achour”), and/or U.S. Pat. Pub. 2004/0176060 to Mudigonda et al. (“Mudigonda”). Applicants respectfully traverse this ground of rejection.

Joshi, Achour, and Mudigonda do not make up for the suggestion and disclosure deficiencies discussed above with regard to Lu. Therefore, Joshi, Achour, and Mudigonda, alone or in combination with Lu, do not disclose or fairly suggest the limitations of independent claims 1, 15, or 20. Claims 4-7, 21, and 25 are allowable at least by virtue of their dependency on independent claims 1, 15, or 20. Applicants respectfully request the Examiner withdraw this art grounds of rejection.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-26 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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